

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,
v.

Benedicto Anthony CIFUENTES

Defendant.

) Magistrate Case No. 2008 MAR 26 AM 10:06
) '08 MJ 0925
) COMPLAINT FOR VIOLATION OF:
) BY KW DEPUTY
) Title 8, U.S.C., Section 1326 -
) Deported Alien Found in the
) United States
)
)
)

The undersigned complainant, being duly sworn, states:

On or about, **November 25, 2007**, within the Southern District of California, defendant, **Benedicto Anthony CIFUENTES**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **MARCH 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On November 25, 2007, the defendant identified as "**Benedicto Anthony CIFUENTES**" was apprehended in Chula Vista, CA by the United States Border Patrol. It was discovered that the defendant was a parolee at large and on November 26, 2007, the defendant was referred to the custody of California State Parole and booked into county jail for violation of Penal Code 3056 "VIOLATION OF PAROLE". The defendant was determined to be a citizen of Mexico and a Form I-247 "Immigration Hold" was placed pending his release. Subsequently, the defendant was referred to the Donovan State Prison in order to finish his prison term for violation of parole.

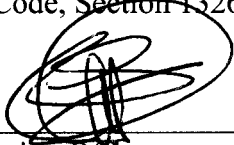
On Tuesday, March 25, 2008, at approximately 09:00 A.M. the defendant was referred to United States Immigration and Customs Enforcement (ICE) custody. A Deportation Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico, who has been deported or removed from the United States.

A thorough review of immigration computer database checks revealed the defendant was most recently ordered removed from the United States by an Immigration Judge on or about November 21, 2007, and most recently removed to Mexico on or about November 21, 2007 via the San Ysidro, California Port of Entry. Further records indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States

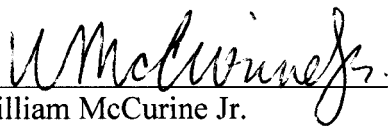
The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared with the defendant's fingerprints. The results confirmed the defendant's identity as Benedicto Anthony CIFUENTES, a citizen and national of Mexico previously removed from the United States to Mexico. A photograph and a set of fingerprints were also obtained from the Alien Registration File, which further confirmed the defendant's identity.

All information indicates that the defendant is a citizen of Mexico having been previously deported to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Benedicto Anthony CIFUENTES has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code, Section 1326, Deported Alien Found in the United States.



Deportation Officer
U.S. Immigration & Customs Enforcement



William McCurine Jr.
U.S. Magistrate Judge

3/26/08

Date/Time